

FILED - USDC - NH  
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UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Josephine Amatucci

v.

Estes, Champaign, Morgan, Wolfeboro NH, Town of  
Dean rondeau, Wright and Robert Maloney

JURISDICTION

1. This action is broght pursuant to 42 U.S.C. 1983

Parties

2. Estes
3. Champaign
4. Morgan
5. Town of Wolfeboro
6. Rondeau
7. Wright
8. Robert Maloney

COMPLAINT INTRODUCTION

9. This cause of action is based entirely on the violation of the Plaintiffs

Civil Rights, under the Federal Constitution, the LAW OF THE LAND. In vioation of  
Due Process.

That this case is based solely on an unlawful malicious prosecution by the defendants who falsely accused the Plaintiff of causing an Assault with Bodily Injury, when before the defendants and the Court was a statement by the alleged victim of the alleged Assault, a Mr. Robert Maloney, who stated that..... "HE HAD NO INJURY". Therefore, no injury, no Prosecution for committing an Assault with Bodily Injury. A case of a Malicious Prosecutionl.

.....

3. Article Six of the United States Constitution, states:

"Where rights SECURED BY THE CONSTITUTION are involved, there can be no RULE making (filing restriction ) or LEGISLATION which would/could abrogate them".

Therefore, the Courts filing restriction rules cannot form the basis of the Court refusing this violation of the Plaintiff's FEDERAL CIVIL RIGHT.

4. Under th case of Norton v. Shelby County, the court stated:

"An unconstitutional Act is NOT LAW. It confers no rights, it imposes no duties, affords no protection, it creates no office, it is in inoperative as though it had NEVER BEEN PASSED".

5. Under Miranda v. Arizona, the SUPREME COURT stated,

"Where Rights SECURED by the CONSTITUTION are involved, there can be NO RULE MAKING OR LEGISLATION WHICH WOULD ABROGATE THEM."

6. Therefore where the claim of an unlawful Malicious Prosecution by the Defendants, in this case, was a violation of Due Process and of the Fourteenth Amendment, and a Fourth Amendment violation, NO FILING .....RESTRICTION.... of the Court could /would .....ABROGATE them.

.....

7. Under a Federal Law that is Clearly Established, vilates the Due Process Clause. A Clearly Established Right is any Federal Constitutional violation. That it is sufficiently clear that the defendants would understand that what they were doing violates that right. That in light of pre-existing law the unlawfulness of the Malicious Prosecution is apparent with the evidence. Where the alleged victim imself stated he had NO INJURY, yet the Plaintiff was

being prosecuted for causing Bodily Injury.

8. This judge believes he can deprive me of a realistic assessment of my case, by REFUSING TO LITIGATE the Federal Constitutional Claims, under a under 1983. where he is In violation of her Civil Rights which protects citizens from unfair and unjust legal proceedings.

9. And were the issues raised by the Plaintiff's were Federal Constitutional Claims and where they were never litigated and determined by the Court, there is NO PRECLUSIVE EFFECT. As the Court stated in the case of .....Allen v. McCurry:

"Under 1983 every person asserting .....a FEDERAL RIGHT .....is entitled to the opportunity to litigate that right in a FEDERAL DISTRICT COURT".

Now either Judge Laplante moves this case immediately before a jury of her peers, for damages as allowed under 1983, or he is MANDATED, under the law, to step down, where another judge will move this case before a jury for the violations of the Plaintiff's CIVIL RIGHTS.

Respectfully,

Josephine Amatuucci

August 15, 2024

c. Town of Wolfboro and Sheriff's Dept.

A handwritten signature in black ink, appearing to read "Josephine Amatuucci". The signature is written in a cursive, flowing style with a large initial 'J'.

*Josephine Amatucci*

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MANCHESTER NH 030

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